

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Christine L. Porter

v.

Civil No. 10-cv-056-PB

FNU Thadani¹

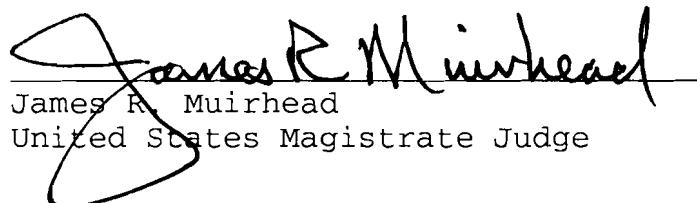
REPORT AND RECOMMENDATION

Pro se plaintiff, Christine L. Porter, has notified this court that she claims damages in the amount of \$69,648 and asks this court to transfer her malpractice claim against defendant, Dr. Thadani, to Cheshire County Superior Court. See Amended Compl. (doc. no. 6). This court does not have authority to transfer to state court a matter filed originally in this court, but a plaintiff may be able to refile a matter there once it is dismissed here on jurisdictional grounds. Cf. 28 U.S.C. § 1631 (authorizing federal court lacking jurisdiction over case to transfer matter to another federal court with jurisdiction).

Plaintiff's notice indicates that she is claiming damages in an amount below the jurisdictional threshold of \$75,000. See 28 U.S.C. § 1332(a). If my earlier Report and Recommendation is accepted, no claims will remain in this case within this court's original jurisdiction. See Report and Recommendation (doc. no.

¹The acronym "FNU" stands for first name unknown.

4). This court should decline to exercise any supplemental jurisdiction over the malpractice claim against Dr. Thadani. See 28 U.S.C. § 1367(c)(3). Therefore, I recommend that the complaint be dismissed without prejudice to plaintiff's ability to refile her malpractice action against Dr. Thadani in Cheshire County Superior Court, or any other appropriate state court.



James R. Muirhead
United States Magistrate Judge

Date: April 8 , 2010

cc: Christine L. Porter, pro se